

REMARKS

Status of the Claims

Claims 12-14 and 19 are pending. Claim 12 is amended. Support for the amendments may be found throughout the specification and original claims as filed. *See, e.g.*, page 9, lines 21-32; page 13, lines 14-18 and 30-32; and page 23, lines 14-16.

Applicant submits that the amendments to claim 12 do not raise new issues that would require further consideration and/or search. Applicant respectfully requests entry of this amendment and submits that no new matter has been added.

Sequence Compliance

The Office Action asserts that the instant application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825.¹

Applicant submits herewith a Substitute Sequence Listing in compliance with 37 C.F.R. §§ 1.821-1.825.

Rejections Under 35 U.S.C. § 102(b)

Claims 12-14 and 19 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,420,534 (July 16, 2002) Gurney, *et al.* ("the '534 patent").

Applicant respectfully traverses this rejection.

A. The Claimed Antibodies, Fragments, Or Derivatives Thereof Bind A Polypeptide Possessing At Least SEQ ID NO: 3

The claimed invention relates to antibodies that bind BACE455 polypeptides. BACE455 is a novel neuropathological isoform of human beta secretase (BACE). BACE455 results from the deletion of exon 4, and the development of a novel nucleotide and corresponding amino acid sequence resulting from the junction of exon 3 and exon 5.² This corresponding amino acid sequence is IARIIG (SEQ ID NO: 3).³

Claims 12-14 and 19 are drawn to an antibody, fragment, or derivative thereof, that binds a polypeptide comprising the amino acid sequence of SEQ ID NO: 3. Accordingly, the claimed

¹ *See* Office Action, page 2, ¶ 4.

² Specification, page 5, line 34 to page 6, line 3.

³ *See, e.g., id.* at page 9, lines 21-32; page 13, lines 17-23.

antibody, fragment, or derivative thereof binds a polypeptide possessing *at least* SEQ ID NO: 3—corresponding to the junction region between amino acids encoded by exons 3 and 5.

B. The '534 Patent Does Not Teach An Antibody, Fragment, Or Derivative Thereof That Binds A Polypeptide Comprising SEQ ID NO: 3

The '534 patent discloses antibodies that bind to huAsp2(b) (SEQ ID NO: 6 of the '534 patent). HuAsp2(b) contains exon 4, and therefore exons 3 and 5 are not joined. As such, the '534 patent does not disclose a polypeptide comprising SEQ ID NO: 3, let alone an antibody, fragment, or derivative thereof, that binds a polypeptide comprising SEQ ID NO: 3. Indeed, the Office Action acknowledges that the '534 patent does not teach the entirety of SEQ ID NO: 3.⁴ Accordingly, Applicants submit that the '534 patent does not anticipate the claimed invention.

In view of the foregoing, Applicants respectfully request withdrawal of this rejection.

⁴ Office Action, page 4 (“...SEQ ID NO: 3, which has three common amino acids with the SEQ ID NO: 6 of the '524 patent.”)

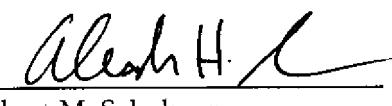
CONCLUSION

In view of the above remarks, early notification of a favorable consideration is respectfully requested. An indication of allowance of all claims is respectfully requested.

Respectfully submitted,
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